THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22198 OF2005

DATED:7.10.2005

Between:

Lalit Kumar Gupta and another

…Petitioners

And

The Municipal Corporation of Hyderabad

Rep. by its Commissioner, Tankbund, Hyderabad, A.P.

And others

…Respondents

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ORDER:

The petitioners are owners of residential houses situated at Road No.36, Banjara Hills. The Municipal Corporation of Hyderabad (MCH) issued a letter dt.31.8.2005 informing that Road No.36, Banjara Hills is proposed to widen to 100 feet road and requested the petitioners to handover advance possession and give consent for the same. The petitioners are not willing to give consent. They alleged in this Writ Petition that the respondents are trying to deprive the petitioners of their property and demolish the structures.

Heard the learned counsel for the petitioners and the learned Standing Counsel for MCH.

After getting instructions in the matter, the learned Standing Counsel for MCH submits that if the petitioners are not willing to give their consent, necessary action would be taken in accordance with Section 147 of the Hyderabad Municipal Corporation Act, 1955 (the Act, for short) for acquiring the land. The learned Counsel does not dispute that unless the petitioners are deprived of their property in accordance with due process of law, their right to enjoy the property cannot be denied.

Accordingly, the writ petition is disposed of observing that unless and until requisite proceedings under Section 147 of the Act are initiated, the petitioners' right to enjoy their property cannot be denied nor its officials can demolish the compound walls or structures of the petitioners, without notice.

The Writ Petition, with the above observations and directions, is disposed of. No costs.

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(V.V.S.RAO, J)

7.10.2005

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